

1 THE HONORABLE JAMES L. ROBART
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5 UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

Case No.: CR12-195 JLR

9 Plaintiff

10 v.

11 DEFENDANT'S SUPERVISED
12 RELEASE VIOLATION DISPOSITION
13 MEMORANDUM

14 TERRAZE TAYLOR,

15 Defendant

16 **INTRODUCTION**

17 Terraze Taylor is before this court following the filing of two Petitions alleging
18 four violations of supervised release. The probation officer has alleged that Mr. Taylor
19 violated his conditions of supervision in two separate Petitions.

20 In a Petition filed on October 11, 2016, the alleged violation is:

21 1. Committing the crime of Harassment on or about July 31, 2016.

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DEFENDANT'S SUPERVISED RELEASE VIOLATION
DISPOSITION MEMORANDUM - 1

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SEATTLE, WA 98121-2315
PETER A. CAMIEL (206) 624-1551
CATHERINE A. CHANEY (206) 343-7642

1 A second petition was filed on January 27, 2017 alleging three additional
2 violations. Mr. Taylor has not yet had an initial appearance on the second Petition which
3 alleges:
4

- 5 1. Committing the Crime of Stalking on or about January 26, 2017.
- 6 2. Committing the Crime of Violation of a Protection/No Contact Order on
7 or about January 26, 2017.
- 8 3. Committing the Crime of Cyber Stalking on or about January 26, 2017.

9
10 Mr. Taylor is expected to admit violation 1 from the initial petition (Harassment)
11 and violations 2 (Violation of Court Order) and 3 (Cyberstalking) from the second
12 petition. It is anticipated that upon such admissions, violation number 1 from the January
13 27 Petition (Stalking) will be dismissed.
14

15 **DEFENSE RECOMMENDATION**

16
17 Defense counsel recommends that any term of imprisonment imposed for the
18 violations run concurrently with the King County Superior Court sentence imposed in
19 case no. 17-1-00377-4. Defense counsel agrees with the probation recommendation that
20 no supervised additional term of supervised release should follow because Mr. Taylor
21 will already be on 30-months of state community supervision.
22

23 **CASE HISTORY**

24 Mr. Taylor was summoned into court on October 28, 2016 at which time he faced
25 violation number one from the October 11, 2016 petition, which he denied. He was
26

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1 released on an appearance bond and a hearing was set for November 28, however, Mr.
 2 Taylor was subsequently arrested and charged in King County Superior Court on January
 3 30, 2017 under case number 17-1-00377-4- KNT with the crimes of Felony Stalking,
 4 Felony Violation of a Court Order, and Cyberstalking. Mr. Taylor was arrested and held
 5 in custody during the pendency of his King County case. On January 27, 2017 the
 6 second violation petition was filed while Mr. Taylor was in King County custody.
 7

9 While in State custody, Mr. Taylor entered a guilty plea in the Renton Municipal
 10 Court to the charge of Disorderly Conduct (Amended down from Harassment). He
 11 received a sentence of 90 days with 64 days suspended. On September 27, 2017, Mr.
 12 Taylor entered guilty pleas in King County Superior Court to the charges of Felony
 13 Violation of a Court No Contact Order and Felony Cyberstalking. He was sentenced
 14 pursuant to the Washington State Prison Based Special Drug Offender Sentencing
 15 Alternative, RCW 9.94A.660 to serve a term of 30 months to be followed by 30 months
 16 of Community Custody. His sentence converts to a term of 60 months if he does not
 17 complete the DOSA sentence requirements.
 18

20 The supervised release violations and the King County charges are essentially
 21 based on the same conduct.
 22

23 Mr. Taylor was originally sentenced by this Court on February 13, 2013 on
 24 charges of Conspiracy to Defraud the United States Government and False Claims
 25 regarding the submission of false travel vouchers for reimbursement at the Veterans
 26

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 DISPOSITION MEMORANDUM - 3

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1 Administration Hospital. He was sentenced to serve a 24-month sentence and was
 2 released to a half-way house on January 14, 2014. He was released from the half-way
 3 house on July 11, 2014.
 4

5 Mr. Taylor has appeared before this court on three occasions since his release. On
 6 August 27, 2014 a violation report was filed alleging the use of marijuana. The probation
 7 officer recommended no action be taken and this Court concurred. On August 5, 2015
 8 Mr. Taylor requested a modification of his conditions of supervision to allow the use of
 9 Marinol. This Court concurred. Finally, on December 14, 2015 Mr. Taylor's supervised
 10 release was revoked for violation of a no contact order. Mr. Taylor was sentenced to time
 11 served and placed on 18 months of supervised release. Mr. Taylor's current term of
 12 supervised release commenced on December 14, 2015. It would have expired in June of
 13 2016 but for the filing of the current violations.
 14

15 Following his release, Mr. Taylor resided at an apartment in Auburn and attended
 16 school at Highline Community College. He received disability payments from the
 17 military and from Social Security. He received medical care through the VA.
 18

19 **THE STATE COURT SENTENCE**
 20

21 The sentence imposed by the King County Superior Court was pursuant to R.C.W.
 22 9.94A.660- Drug Offender Sentencing Alternative and R.C.W. 9.94A.662. This sentence
 23 calls for Mr. Taylor to serve a prison term of 30 months if he completes the requirements
 24 of the DOSA sentence. R.C.W. 9.94A.662 provides:
 25

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1
2 (1) A sentence for a prison-based special drug offender sentencing alternative
3 shall include:

4 (a) A period of total confinement in a state facility for one-half the midpoint of the
standard sentence range or twelve months, whichever is greater;

5 (b) One-half the midpoint of the standard sentence range as a term of community
custody, which must include appropriate substance abuse treatment in a program that
has been approved by the division of alcohol and substance abuse of the department
of social and health services;

6 (c) Crime-related prohibitions, including a condition not to use illegal controlled
substances;

7 (d) A requirement to submit to urinalysis or other testing to monitor that status;
and

8 (e) A term of community custody pursuant to RCW 9.94A.701 to be imposed
upon the failure to complete or administrative termination from the special drug
offender sentencing alternative program.

9 (2) During incarceration in the state facility, offenders sentenced under this section
10 shall undergo a comprehensive substance abuse assessment and receive, within
11 available resources, treatment services appropriate for the offender. The treatment
12 services shall be designed by the division of alcohol and substance abuse of the
13 department of social and health services, in cooperation with the department of
14 corrections.

15 (3) If the department finds that conditions of community custody have been
16 willfully violated, the offender may be reclassified to serve the remaining balance of
17 the original sentence. An offender who fails to complete the program or who is
18 administratively terminated from the program shall be reclassified to serve the
unexpired term of his or her sentence as ordered by the sentencing court.

19 (4) If an offender sentenced to the prison-based alternative under this section is
20 found by the United States attorney general to be subject to a deportation order, a
21 hearing shall be held by the department unless waived by the offender, and, if the
22 department finds that the offender is subject to a valid deportation order, the
department may administratively terminate the offender from the program and
reclassify the offender to serve the remaining balance of the original sentence.

23 **MR. TAYLOR'S BACKGROUND**

24 Mr. Taylor is a 34 year-old disabled veteran. His service connected 100%
25 disability rating includes the diagnoses of PTSD with nightmare and hallucinations,
26

1 Traumatic Brain Injury, and Temporal Lobe Epilepsy from which he suffers seizures. He
 2 also has service related nerve damage to his neck and back.
 3

4 Mr. Taylor has also been diagnosed with poly substance abuse with an opiate
 5 addiction. This was due to his use of pain medication prescribed by the VA for
 6 treatment.
 7

8 Mr. Taylor had joined the United States Army out of high school in August of
 9 1999. In 2004 he was stationed in Kuwait and Iraq and a motor transport operator in a
 10 combat engineer transport unit. That year his truck as a part of a convoy ran over a land
 11 mine causing the truck to turn over and catch fire. There was rapid gun fire for over 45
 12 minutes from enemy forces. Mr. Taylor was treated at a camp clinic and returned to
 13 duty. Shortly after this incident, in May of 2004, he was stabbed with a knife in the neck
 14 and back by another soldier while he was sleeping. He was first treated at a medical
 15 camp, then at a civilian hospital in Kuwait and later sent to Germany for treatment. He
 16 initially received a bad conduct discharge due to his use of marijuana but this was
 17 changed and he was ultimately discharged under honorable conditions in September of
 18 2007. Mr. Taylor's DD Form 214 verified the above information. PSR ¶124-127
 20

21 Prior to his 2007 discharge from the Army, Mr. Taylor had no criminal
 22 convictions. Prior to coming to the State of Washington in 2009 Mr. Taylor had no felony
 23 convictions and his only criminal history was for misdemeanor level offenses. He had no
 24 criminal history whatsoever as a juvenile.
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1 Mr. Taylor's supervised release violations and recent criminal convictions are all
 2 related to his relationship with the mother of his child. This relationship lasted between
 3 2009 to 2016. For much of the relationship they resided together.
 4

5 During the turmoil in this relationship Mr. Taylor was shot by a man who had
 6 briefly been dating his former girlfriend. Mr. Taylor was shot on August 1, 2016 in the
 7 parking lot of his apartment complex in a drive by shooting. Mr. Taylor was taken to
 8 Harborview Medical Center with a gunshot to his left thigh that resulted in a fracture of
 9 his hip. Two men, one of whom had been dating his former girlfriend were charged but
 10 the case but later dismissed because Mr. Taylor would not cooperate in the prosecution.
 11

12 Mr. Taylor recognizes that he has serious mental health issues and substance abuse
 13 issues for which he has sought treatment. He has attempted, without success, to gain
 14 inpatient admission at the Seattle VA Medical Center for long-term psychiatric care.
 15 However as is noted in an April 7, 2017 entry from the VA, long term psychiatric
 16 services are not available.
 17

18 **CONCLUSION**

19 The paramount question for this Court is whether additional incarceration, on top
 20 of the 30 months already imposed by the King County Superior Court is necessary. That
 21 30 month term converts to a 60 month term if Mr. Taylor does not comply with the
 22 requirements of his sentence both while in custody and during a 30 month term of
 23 community supervision.
 24

1 Dated this 21st of November, 2017.
2
3

Respectfully submitted,

4 s/Peter A. Camiel
5 PETER CAMIEL,
6 WSBA No. 12596
7 ptercamiel@yahoo.com
8 Attorney for Defendant
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10

11 CERTIFICATE OF SERVICE

12 I hereby certify that on the 21st day of November, 2017 I filed the foregoing
13 document with the Clerk of the Court using the CM/ECF system, which will send notification of
14 filing to all registered parties.
15

16 Peter A. Camiel
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DEFENDANT'S SUPERVISED RELEASE VIOLATION
DISPOSITION MEMORANDUM - 8

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